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09/778,045	02/07/2001	Takahisa Kurahashi	925-177	6211
23117	7590	04/20/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			CRANE, SARA W	
			ART UNIT	PAPER NUMBER
			2811	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/778,045

Applicant(s)

KURAHASHI ET AL.

Examiner

Sara W. Crane

Art Unit

2811

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 12 September 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification, as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

see the discussion on the next page.

Sara W. Crane
Primary Examiner
Art Unit: 2811

A reviewer has objected to Appellant's Brief of 12 September 2005, because of the section titled "Summary of Example Embodiments." Under the new rules, now included in MPEP 1205, this section should be titled "Summary of claimed subject matter." Also, this section of the Brief should refer explicitly to each of the independent claims, with reference to the specification by page and line number (and to the drawing, if any, by reference figure) as set forth in (v) of MPEP 1205.

It appears to the examiner that the discussion of section (V) of the Brief does mention each of the relevant features of the claims on appeal, and refers in a general way to the relevant parts of the specification, but the reviewer is correct in noting that no specific claim numbers are included in the discussion, and no specific correlation is provided between claim limitations per se, and specific page and line numbers of the specification. The reviewer is familiar with the expectations of the Board, as set forth in remands currently being received in the tech center, and apparently the specific references to claim numbers, and page and line numbers of the specification, are required by the Board to avoid remand.

So, what is needed is a new section (V) of the Brief, titled "Summary of claimed subject matter," and including in the section some discussion of each of the independent claims on appeal, referring to the specification by page and line number, and to the drawings by reference character, as part of an explanation of the subject matter of that claim.

The reviewer noted approval of all of the other sections of the Brief, as well as the form and content of the Examiner's response in an Answer, so the examiner is reasonably confident that the appeal can proceed normally, following submission by Appellant of a new section (V) of the Brief.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Crane, whose telephone number is (571) 272-1652.

The supervisor for Art Unit 2811, Eddie Lee can be reached on (571) 272-1732. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).